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UNCLAS SECTION 01 OF 02 RANGOON 001426

SIPDIS

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COMMERCE FOR ITA JEAN KELLY
TREASURY FOR OASIA
USPACOM FOR FPA

E.O. 12958: N/A

TAGS: ILAB PHUM PGOV BM

SUBJECT: RANGOON ILO WARY OF REACTIVATING COUNTERMEASURES

REF: A. RANGOON 1402
 B. RANGOON 1365 AND PREVIOUS
 C. STATE 223852
 D. RANGOON 1224

¶1. (SBU) Summary: Two weeks before the ILO Governing Body's consideration of Burma, ILO's Rangoon liaison had more bad news about forced labor in Burma. Despite some progress in a year-old treason case against three men who contacted the ILO, there were increasing incidents of forced labor, poor GOB cooperation in investigating allegations, and cases of retaliation against those who reported forced labor. Even though the picture is bleak overall, the ILO liaison urged caution on supporting ILO sanctions against Burma, predicting "swift retaliation" by the GOB and a likely end to the ILO's good work here. End summary.

Good News and (Mostly) Bad News

¶2. (SBU) In preparation for the mid-November discussion of Burma by the ILO Governing Body, on November 3rd ILO's Rangoon liaison briefed the Chief of Mission (COM) and other local diplomats on the forced labor situation. Two issues currently dominate ILO's attention here: (1) an ongoing court case against three individuals convicted and sentenced to death in part for contact with the ILO; and, (2) the GOB's cooperation (or lack thereof) in pursuing allegations of forced labor (ref B and D). The representative indicated that there'd been some good news recently on the first topic, with the Supreme Court Appellate Branch announcing on October 14th that, contrary to the wording of the initial conviction, it was not a crime to have contact with the ILO. This element of the initial conviction was ordered removed. However, the Court did not release the three from prison as requested by the ILO, instead reducing their sentences to five years (for one individual also convicted of attempting to kill SPDC leaders) and three years (for two who were also convicted for their contacts with the outlawed, Thai-based Burmese trade union group the Federation of Trade Unions of Burma).

¶3. (SBU) Despite this small improvement on the treason case, there were several negative trends that tarnished the period since the most recent ILO assessment in June. Specifically, the ILO liaison noted the GOB's continued lack of progress investigating forced labor cases referred by the ILO. Of the 38 cases referred in 2004, the GOB has responded to only 18 of them -- in each case rejecting the forced labor allegations. One of the GOB's denials was of an allegation made directly by the ILO liaison based on his own eyewitness account of massive forced labor in Chin State (ref D).

Punishing the Victims

¶4. (SBU) Perhaps even more alarming to the ILO liaison are the increasing incidents of local GOB officials taking action against those who complain to the ILO about forced labor. The liaison noted in his November 4th report to ILO HQ that local police officials arrested, interrogated, and then released two individuals in Rangoon Division and three in Rakhine State after they had made reports to the ILO about forced labor in their communities. The GOB has taken no action in these cases despite urgent requests by the ILO's Rangoon office.

¶5. (SBU) In the same vein, the ILO liaison told diplomats of an incident where a judge rejected two plaintiffs' allegations of forced labor then turned around and convicted the two of "defaming" the local official accused of requiring the labor. The two were sentenced to six-months imprisonment.

ILO: Sanctions Won't Work

¶6. (SBU) Despite what the ILO liaison admits is a "serious" situation in Burma, he made clear to the diplomats attending that requesting a reactivation of the 2000 Article 33 measures (ref C) would be counterproductive. He said that this should be the last resort and would almost certainly

lead to a stern and immediate retaliation by the GOB -- particularly, he thought, with the new "less internationally minded" Prime Minister in place. COM noted that in an October 25th meeting with Labor Minister U Tin Winn (ref A), the minister had stated explicitly that reactivating Article 33 measures would lead the GOB to eject the local ILO office.

The liaison agreed that this was a probable outcome, and said he was seeking a way forward that would show the ILO's concern with the situation without jeopardizing the ILO's tenuous position here. None at the table had any specific ideas for how to accomplish this.

Comment: The ILO's Good Work

17. (SBU) We think the liaison's comments have merit. ILO is doing important work here as the focal point for credible complaints about forced labor and other human rights abuses. We find the ILO liaison here a reliable and helpful monitor of labor abuses in a country where verifiable information on human rights abuses is hard to find. In addition, the liaison's regular reports to his headquarters are quite frank and critical (compared to other UN agency reporting here). Enhanced ILO countermeasures would have an important symbolic impact but are unlikely to alter the regime's behavior other than to give those in the SPDC who find the ILO's presence irritating additional ammunition to lobby for the organization's removal. End comment.

Martinez